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Attorneys for Nominal Defendant  
Celera Corporation and Defendants  
Kathy Ordoñez, Joel R. Jung,  
Ugo DeBlasi, Richard A. Ayers,  
Jean-Luc Belingard, William G. Green,  
Peter Barton Hutt, Gail K. Naughton,  
Wayne I. Roe, and Bennett M. Shapiro

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE CELERA CORP. DERIVATIVE  
LITIG.

Case No. CV 10-02935 JW

This Document Relates To:

ALL ACTIONS

STIPULATION AND [PROPOSED] ORDER  
CONTINUING DEFENDANTS' DEADLINE  
TO FILE THEIR MOTION TO DISMISS  
FROM MONDAY, JANUARY 17, 2011, TO  
TUESDAY, JANUARY 18, 2011

1 WHEREAS, on October 15, 2010, plaintiffs Alan R. Kahn and Betty Greenberg  
2 (“Plaintiffs”) filed the Consolidated Verified Shareholder Derivative Complaint for Breach of  
3 Fiduciary Duty, Waste of Corporate Assets, and Unjust Enrichment (Dkt. No. 16) against nominal  
4 defendant Celera Corporation (“Celera”) and certain of the officers and directors of Celera  
5 (together with Celera, “Defendants”);

6 WHEREAS, pursuant to the Order entered on December 16, 2010, Defendants shall file  
7 their anticipated Motion to Dismiss on or before January 17, 2011, Plaintiffs shall file their  
8 Opposition on or before March 4, 2011, Defendants shall file their Reply on or before March 21,  
9 2011, and the hearing on the Motion to Dismiss is set for April 11, 2011 at 9:00 a.m.;

10 WHEREAS, on Monday, January 10, 2011, the Court announced that the Electronic Court  
11 Filing (“ECF”) system for the United States District Court for the Northern District of California is  
12 scheduled to be offline from 5:00 p.m., Friday, January 14, 2011 until 6:30 a.m., Tuesday,  
13 January 18, 2011;

14 WHEREAS, Defendants became aware of this issue on the afternoon of Tuesday,  
15 January 11, 2011;

16 WHEREAS, because Monday, January 17, 2011 is Martin Luther King, Jr. Day, a Legal  
17 Holiday, Defendants are unable to file a Motion to Dismiss manually;

18 WHEREAS, Section VI.6 of General Order No. 45, entitled “Electronic Case Filing,” sets  
19 forth the Court’s policy concerning filings due when the ECF system is technically unavailable, and  
20 states that any filings due the day when the ECF system is technically unavailable shall become due  
21 the next business day;

22 WHEREAS, Defendants contacted Plaintiffs on Tuesday, January 11, 2011, informed  
23 Plaintiffs of their intention to contact the Court to request that Defendants be permitted to file their  
24 Motion to Dismiss on Tuesday, January 18, 2011, and Plaintiffs agreed to Defendants’ request;

25 WHEREAS, Defendants contacted the Court’s Scheduling Clerk on Wednesday,  
26 January 12, 2011, seeking permission to file their Motion to Dismiss on Tuesday, January 18, 2011,  
27 because of the ECF system’s scheduled offline maintenance;

1 WHEREAS, the Court's Scheduling Clerk suggested that the parties file a stipulation  
2 explaining the circumstances and requesting an extension; and

3 WHEREAS, due to the unanticipated unavailability of the ECF system and the Defendants'  
4 recent notice of this issue, good cause exists to extend Defendants' deadline to file their Motion to  
5 Dismiss.

6 NOW THEREFORE, the parties, by and through their undersigned counsel of record,  
7 hereby agree, stipulate and propose to the Court as follows:

8 Defendants shall file their anticipated Motion to Dismiss no later than Tuesday, January 18,  
9 2011.

10 All other deadlines in this Action shall remain unchanged.

11 DATED: January \_\_, 2011

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON LOBDELL  
DANIEL J. VECCHIO

14 s/ Judson Lobdell  
15 Judson Lobdell

16 Attorneys for Nominal Defendant Celera  
17 Corporation and Defendants Kathy Ordoñez,  
18 Joel R. Jung, Ugo DeBlasi, Richard A. Ayers,  
19 Jean-Luc Belingard, William G. Green,  
Peter Barton Hutt, Gail K. Naughton,  
Wayne I. Roe, and Bennett M. Shapiro

20 DATED: January \_\_, 2011

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23 s/George C. Aguilar  
24 GEORGE C. AGUILAR

25 Attorneys for Plaintiffs

26 GARDY & NOTIS, LLP  
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KELLY A. NOTO

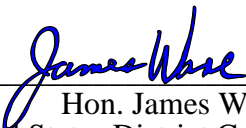
28 Co-Lead Counsel for Plaintiffs

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 14, 2011

  
\_\_\_\_\_  
Hon. James Ware  
United States District Court Chief Judge

1 I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Continuing Defendants' Deadline to File Their Motion to Dismiss  
3 from Monday, January 17, to Tuesday, January 18, 2011. In compliance with General Order  
4 No. 45, X.B., I hereby attest that George Aguilar has concurred in this filing.

5 /s/ Judson E. Lobdell  
6 JUDSON E. LOBDELL  
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